

December 19, 2007

A regular meeting of the Allendale Board of Adjustment was held in the Municipal Building on December 19, 2007. The meeting was called to order at 8:15 p.m. by Mr. Blomberg, Chairman. Mr. Blomberg announced that the requirements of the Open Public Meetings Act were met by the required postings and notice to publications.

On roll call Mr. Blomberg, Ms. Chamberlain, Ms. Hart, Mr. Jones, Mr. Manning, Mr. Redling, Ms. Teng and Ms. Wiedner were present. Mr. Nestor was absent. Mr. Bernstein was also present for Mr. Landel.

Ms. Teng moved, seconded by Mr. Jones, to approve the minutes of November 28, 2007 as submitted. On voice vote, all members voted in favor.

A Resolution of Memorialization was submitted by the Board Attorney with regard to the Louis Clements variance application. Mr. Manning moved seconded by Mr. Jones, to approve the resolution as submitted. On roll call, Mr. Manning, Mr. Jones and Mr. Blomberg voted in favor.

Continuation of David Ross Variance Application

18 Albert Road  
Block 408, Lot 18

Mr. Blomberg stated that revised plans were not received for the Ross application. Mrs. Knapp told him that she had provided the Board with everything that had been given to her by the applicant.

Ms. Teng moved, seconded by Mr. Jones, to carry the application to the January meeting of the Board. On voice vote, everyone voted in favor.

James and Lisa Fallon Variance Application

450 Brookside Avenue  
Block 1407, Lot 8.1

Mr. Gary Zalarick was present as the attorney for the applicants. Mr. and Mrs. Fallon and their Architect, Mr. Braithwaite were sworn.

In June, 2007 the Planning Board approved a subdivision of an original lot located at 450 Brookside Avenue that is owned by Judith Hildebrandt. The main lot now consists of 67,796 square feet and the subdivided lot consists of 50,110 square feet. The current house that is proposed for the property will require a variance for the side yards. The requirement for the side yard setbacks is 40 feet. On one side the property is short by 3 feet, and the other side it is short by 10 feet.

The Fallons live at 321 Brookside Avenue and they want to move from that location to the proposed location.

There were no objections to Mr. Braithwaite being accepted as an expert in the field of architecture. Mr. Braithwaite said it has been exactly one year since he met the Fallons. He has worked on this project for twelve months. It is a very unique site that is 121 feet wide and 360 feet deep and fronts on the Ho-Ho-Kus Brook.

Mr. Bernstein labeled the following exhibits:

Exhibit A-1	Engineer's Plan dated September 5, 2007
Exhibit A-2	First floor of the home
Exhibit A-3	Second floor of the home
Exhibit A-4	Elevation sheet
Exhibit A-5	Side Elevations
Exhibit A-6	Letter dated June 18, 2007 from the Borough Engineer to the Planning Board

Mr. Braithwaite said he originally thought of bringing the house toward the street and throughout the project different configurations for the garage were discussed. It was decided that the best choice would be to push the house back toward the top of the hill in order to create a distance between the neighboring houses and to provide a good view of the brook. It was decided to put the garage all the way around in the back. There was discussion about putting the garage under the house but it didn't seem like the best solution.

The first floor of the house will have a traditional center hall colonial with a living and dining room on opposite sides of the foyer. A three car garage will be located at the back of the house. The house itself is deeper than it is wide. On the second floor there will be four bedrooms and three bathrooms with a secondary back staircase. There will be a study area and an unfinished playroom over the garage. The front elevation will be the traditional colonial house which will appear as if it has always been there. There will be clapboard siding with dormers. The house will look as though it evolved over time. The garage will have a barn style door. There will be a lot of different ridge heights and gables.

With regard to the hardship, the house has gotten smaller than originally proposed. The main body of the house is only 48 feet wide. The proposed house is of reasonable size and is not a "McMansion".

Any hardship that will affect the neighbors has been minimized. Even though variances are being requested for both side yards, there will be a minimal impact on the house to the east side. To the west the closest structure is the neighbor's detached garage which is 46.75 feet from the side yard. There is an additional 30 feet from the garage to the neighbor's house.

There is no intention to put plumbing in the play room, however there will be electricity.

The total square footage for the main house, the bonus room and the garage is 6080 square feet. The basement, the open porch and the attic were not included in that measurement. The maximum side yard setback in the AAA zone is 40 feet which will be the requirement for this property.

Mr. Jones asked if the Planning Board had been told the proposed house for this property would be 3000 square feet in size. Mr. Zalarick said the size of the home had not been determined at that time. The architect said the footprint was 3000 square feet which would allow for a 6000 square foot house to be built there.

Ms. Chamberlain commented that to increase from a 3000 square foot home to a 6000 square foot home is disturbing to her. The applicants created this situation and now they have come before the Board to say there is a hardship.

Ms. Tengi asked if there is anything unique about the topography of the property. Mr. Braithwait said the pitch drops off in the back and it would be difficult to build there. There is also a 50 foot easement for the brook.

Mr. Blomberg asked what the finished height of the house will be. Mr. Braithwait responded that it will not exceed 35 feet from the lowest grade on the home.

The meeting was opened to the public for comments. When there were none the matter was returned to the Board.

Mr. James J. Fallon of 321 Brookside Avenue was sworn. Mr. Fallon testified before the Planning Board at the time the subdivision of this property was approved. Mr. Fallon said that he did not have the plans for the house at the time the application was presented to the Planning Board. At that time they had not made a decision about where to locate the garage. Mr. Fallon stated that he had not testified that the house would be 3000 square feet in size.

Mr. Zalarick said that the building envelope was intended to be 3000 square feet, not the house. That statement was proven in Exhibit A-5 which was shown to the Board of Adjustment members. In addition, Mr. Zalarick showed the Board members Exhibit A-6, a letter from the Borough Engineer, in which the applicants were told that if they increased the size of their proposed house, their side yard setbacks would also increase.

Mr. Chamberlain said she had been concerned about with the issue earlier, but having seen the information Mr. Zalarick presented, was now comfortable that the house of the house was not predetermined at the time of the Planning Board meeting.

Ms. Tengi said she understood the concerns of other Board members. She also understands that the position of the house will have minimal impact on the house to the east and the "mother" house. She stated that it doesn't appear that the location of this house will be detrimental to the surrounding properties.

Mr. Blomberg opened the meeting to the public for questions for Mr. Fallon. When there were none, the matter was returned to the Board.

Mr. Jones stated that the stream at the back of the property does not affect the building. He sees this application as being a self imposed hardship because of the size and location of the house. He does not find that the benefit outweighs the detriments of this application.

Ms. Hart suggested stepping back the entire garage so it will be in conformance. She asked if the garage could be located 40 feet from the side yard. The applicants responded that it could be. Ms. Hart added that moving the garage over four feet wouldn't have a major impact but it would be a good compromise.

Mrs. Lisa Fallon was sworn. Mrs. Fallon said that the most difficult part of this application was to determine the location of the garage. She added that her parents will not see her house from the location of their house. If they choose to move one day this house won't be obtrusive to anyone who lives there in the future.

Mr. Blomberg said although Exhibit A-1 shows a setback of 37 feet to the chimney, when the measurement is taken from the chimney, it is 34 feet. With that change, the right side setback is proposed at 34 feet and the left side at 30 feet.

Ms. Tengi moved, seconded by Mr. Manning, to approve the application which requires increased side yard setbacks due to the bulk of the house. The deficiencies will measure six feet to the right side and ten feet to the left side. The topography of this property poses a hardship due to the character and uniqueness of the lot. The proposed house is aesthetically appealing and conforms to the current homes in the area and in the town.

On roll call Mr. Jones and Mr. Redling voted against the motion. Mr. Jones said he did not find a hardship on this piece of property. The detriments to approving this application outweigh the advantages. He believes it will negatively impact other properties.

Ms. Hart, Ms. Chamberlain, Mr. Blomberg, Ms. Tengi and Mr. Manning voted in favor. The motion passed.

O. Yilmaz Variance Application

11 Elbrook Drive  
Block 102, Lot 8

Mr. and Mrs. Yilmaz were sworn.

Mr. Yilmaz said he would like to put an addition on the back of his house. The improvements that he seeks will not create a variance. The variance is for an existing non-conformity. Currently Mr. and Mrs. Yilmaz live at 27 Elbrook but they own the property at 11 Elbrook and will be moving there.

The applicant proposes to add over the garage for a master suite and to widen the narrow great room in the house. The square footage is proposed to be 4150 which will create an enhanced side yard setback requirement of 29 feet. Houses that exceed 2800 square feet have an increased setback.

On the side of the house with a side yard deficiency there is no appearance of bulk because the addition will be at the back of the house. The other side of the house is in conformity. If the house was centered on the lot it could fit within the footprint. If both sides of the house were added and divided by two there would be sufficient side yards.

Mr. and Mrs. Yilmaz said the house will improve the neighborhood. It will measure 27 feet high. It is a long house and by adding five feet to the height, it will look more even. Currently the house is 22 feet high.

The meeting was opened to the public for comments. When there were none, the matter was returned to the Board.

The attic will remain as it is. It is high enough for a person to stand only at his highest point.

The hardship on this property is the existing non-conformity due to the placement of the house. The applicants will add on to the property where it is the deepest in the back.

Ms. Hart noted that the measurement in the front should be measured to the front step. It will measure 38 ½ feet instead of 40 feet which will require an additional variance.

Mr. Manning moved to approve the application because it is irregular in shape. The applicant wishes to enhance the home inside the footprint. Ms. Hart seconded the motion to approve the application for a side and front yard setback.

On roll call Mr. Redling, Ms. Hart, Ms. Chamberlain, Mr. Blomberg, Ms. Tengi, Mr. Manning and Mr. Jones voted in favor.

Andrew Sansom Variance Application

63 Brookside Avenue  
Block 1705, Lot 13

Mr. Sansom was sworn.

Mr. Sansom proposes to build a small addition as a second story above an existing one story garage. Currently the house has a one car garage with a railing around it. He would like to enclose that area in order to expand his master bathroom and bedroom at that location. The rear corner of the garage is presently 13.8 feet from the property line and 15 feet is required. There is a deficiency of 1.2 feet. There is a retaining wall on one side of the house. On the left side the topography slopes steeply down from the street. The main hardship is the flood plain and the greatest part of the property is located in the flood zone. The basement is located in the flood plain.

Mr. Sansom presented the proof of certified mailings to Mr. Bernstein.

Mr. Bernstein marked the following as exhibits:

Exhibit A-1	Plot Plan
Exhibit A-2	Four front views of the house and side views of the garage
Exhibit A-3	Four photographs from the roof above the garage
Exhibit A-4	Photographs taken from the roof
Exhibit A-5	Elevations

The meeting was opened to the public for comments. When there were none the matter was returned to the Board.

Ms. Hart asked if there was a tax map package. Mr. Sansom said there was one but there are no structures located on it.

Mr. Jones moved, seconded by Ms. Chamberlain, to approve the request for a side yard variance due to the location of the house on the property, the topographical issues, the physical features and the fact that the addition is small and doesn't alter the footprint of the home in any way. The approval of the application will advance the zoning ordinance and the master plan.

On roll call Ms. Hart, Ms. Chamberlain, Mr. Blomberg, Ms. Tengi, Mr. Manning, Mr. Jones and Mr. Redling voted in favor.

On a motion from Ms. Chamberlain, seconded by Ms. Tengi, the Board voted unanimously to adjourn at 10:20 p.m.

Respectfully submitted,

Gwen McCarthy  
Recording Secretary